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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,020	12/21/2001	Karen Heneghan	KH-1	5345
7590	04/21/2004		EXAMINER	
Nicholas A. Camasto Ltd. 545 Thatcher River Forest, IL 60305			COLE, LAURA C	
			ART UNIT	PAPER NUMBER

1744

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/037,020

Applicant(s)

HENEHAN, KAREN

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Belokin, Jr. et al., USPN 5,096,272.

Madsen discloses a cleaning rack for blinds having a rigid spine (31) however do not include end supports.

Belokin, Jr. discloses the claimed invention including a first and second end support (Figure 10 (10 and 10A)), the first and second end supports each including a back portion (42 and 42A) and a lower portion (12 and 12A), and suction cup means affixed to the back portions (50 and 50A). The end supports include side portions restricting longitudinal horizontal movement (20 and 20A) and the end supports further include front portions (31 and 31A) for restricting transverse horizontal movement. The suction cup means comprises a pair of suction cups (one pair being 50 and 50, the other being 50A and 50A). The invention of Belokin, Jr. et al. is an adjustable shelf, the shelf is capable of shelving or holding a mini blind having a rigid spine.

Although Belokin, Jr. is for supporting and displaying products inside of a cabinet, and not specifically for supporting or displaying mini-blinds, it is analogous art because the common problem to be solved is to provide support means to an article. It would have been obvious for one of ordinary skill in the art to substitute the support structure

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of Madsen for the support structure that Belokin, Jr. et al. teach as an alternative supporting structure that is detachable to a vertical surface.

2. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Walters, USPN 4,376,521.

Madsen discloses a cleaning rack for blinds having a rigid spine (31) however do not include end supports.

Walters discloses the claimed invention including a first and second end support (Figure 1 (10 and 10)), each support including a back portion (30) and a "lower" portion (20), and suction cup means (14) affixed to the back portions. Each of the end supports comprises front portions (hollowed portion (60)) for restriction transverse horizontal movement of the spine (see Figure 1). The suction cup means comprise a pair of suction cups (Figure 1). The device of Walters is capable of supporting a spine-like device (12 or 18) as shown in Figure 1.

Although Walters is for supporting a glass shelf that is rigid and elongated, and not specifically for supporting mini-blinds, it is analogous art because the common problem to be solved is to provide support means to an article. It would have been obvious for one of ordinary skill in the art to substitute the support structure of Madsen for the support structure that Walters teaches as an alternative supporting structure that is detachable to a vertical surface.

3. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters, USPN 4,376,521 in view of Madsen, USPN 2,849,745.

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Walters and Madsen discloses all elements above, however Walters does not include a mini-blind having a rigid spine. Walters does include a hanging rod (18).

Although Walters is for supporting a hanging rod (18), and not specifically for supporting mini-blinds having a rigid spine, it is analogous art because the common problem to be solved is to provide support means to an article, namely an elongated rigid rod or spine. It would have been obvious for one of ordinary skill in the art to substitute the hanging rod of Walters for a mini-blind having a spine, as Madsen teaches, as a means of supporting blinds.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Russo et al., USPN 4,951,909.

Madsen discloses a cleaning rack for blinds having a rigid spine (31) however do not include end supports.

Russo et al. disclose the claimed invention including a first and second end support (18 and 19), each support including a back portion (32 and 34) and a lower portion (22 and 23, wherein the attachment to the portions 32 and 34 are transverse), and suction cup means (20, 21) affixed to the back portions. Each of the end supports comprises front portions (the loop or hook formed by 22 and 23 provide a front portion) for restriction transverse horizontal movement of the spine (see Figure 1).

Although Russo et al. is for supporting and displaying an advertising shade (Column 2 Lines 31-33), and not specifically for supporting mini-blinds having a rigid spine, it is analogous art because the common problem to be solved is to provide support means to an article, namely an elongated rigid device. It would have been

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obvious for one of ordinary skill in the art to substitute the support structure of Madsen for the support structure that Russo et al. teach as an alternative supporting structure that is detachable to a vertical surface.

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Smith, II et al., USPN 6,016,926.

Madsen discloses a cleaning rack for blinds having a rigid spine (31) however do not include end supports.

Smith, II et al. disclose the claimed invention including a first and second end support (see Figures 1 and 2 at (14 and 16)), each support including a back portion and a lower portion (see particularly Figures 4 and 5), and suction cup means (24) affixed to the back portions. Each of the end supports comprises front portions and side portions (20) for restriction transverse horizontal movement of the spine (see Figure 4). The suction cup means comprise a pair of suction cups (Figure 2).

Although Smith, II et al. is for supporting and mounting a bath toy holder (12), and not specifically for supporting mini-blinds having a rigid spine, it is analogous art because the common problem to be solved is to provide support means to an article, namely an elongated rod or spine-like device. It would have been obvious for one of ordinary skill in the art to substitute the support structure of Madsen for the support structure that Smith, II et al. teach as an alternative supporting structure that is detachable to a vertical surface.

6. Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Howard, USPN 6,308,923.

Madsen discloses a cleaning rack for blinds having a rigid spine (31) however do not include end supports.

Howard discloses the claimed invention including a first and second end support (Figures 5, 6 and 8, individually depicted in Figure 2), each support having a back portion (24) and a lower portion extending perpendicular thereto (see Figure 2 hatched lines displaying an unlabeled portion appearing to be perpendicular to (24)), and suction cup means (12). The end supports each include a front portion for restricting transverse horizontal movement (see especially Figure 2, portion with "ball" or "bulb" at the end). The system further includes an intermediate support (Figure 6 includes a third support) having the same structure of the first and second support end and suction cup means affixed to the back portion.

Although Howard is for supporting and mounting a crossbar (see Figures 5 and 6), and not specifically for supporting mini-blinds having a rigid spine, it is analogous art because the common problem to be solved is to provide support means to an article, namely an elongated rod or spine-like device. It would have been obvious for one of ordinary skill in the art to substitute the support structure of Madsen for the support structure that Howard teaches as an alternative supporting structure that is detachable to a vertical surface.

7. Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard, USPN 6,308,923 in view of Madsen, USPN 2,849,745.

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Howard and Madsen disclose all elements above, however Howard does not include a mini blind having a rigid spine. However, in Figures 5, 6, and 8 the device is supporting a rigid spine element.

It would have been obvious for one of ordinary skill in the art to substitute the spine-like device of Howard for a mini-blind having a spine as Madsen discloses as a means of temporarily supporting blinds by a detachable structure.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Belokin, Jr. et al., USPN 5,096,272 in further view of Howard, USPN 6,308,923.

Madsen, Belokin Jr. et al., and Howard disclose all elements above. Further Howard discloses that one or more intermediate supports may be used to diversify the support's application (Column 5 Line 58 to Column 6 Line 4).

It would have been obvious for one of ordinary skill in the art to implement an intermediate support such as Howard teaches between the first and second end supports of Madsen and Belokin, Jr. et al. to add in further extension support of a diverse device.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Belokin, Jr. et al., USPN 5,096,272 in further view of Howard, USPN 6,308,923 and in even further view of Anderle, USPN 2,890,851.

Madsen, Belokin, Jr. et al., and Howard disclose all elements above, however do not provide alignment indicia.



Anderle discloses an installation and mounting bracket that uses indicia (29) to adjust the mounting locations of the screws in mounting to maintain the correct vertical alignment, as the Applicant's invention also attempts.

It would have been obvious for one of ordinary skill in the art to provide alignment indicia to the device of Madsen, Belokin, Jr. et al., and Howard, such as Anderle discloses so that the mounted device is aligned levelly. Further, it would have been obvious for one of ordinary skill in the art to provide such indicia by a horizontal line as an alternate way of presenting the indicia.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Belokin, Jr. et al., USPN 5,096,272 in further view of Howard, USPN 6,308,923 and in even further view of Smith, II et al., USPN 6,016,926.

Madsen, Belokin, Jr. et al., and Howard disclose all elements above, however do not provide an intermediate support has a pair of suction cups. The intermediate portion, taught by Howard above, has a singular suction cup. Smith, II et al. also discloses all elements above including using a pair of suction cups for its support ends for strength (Column 2 Lines 50-56).

It would have been obvious for one of ordinary skill in the art to implement an intermediate support such as Howard teaches between the first and second end supports of Madsen and Belokin, Jr. et al. to add in a further extension support of a diverse device. Further, it would have been obvious for one of ordinary skill in the art to modify the intermediate support of Howard and have a pair of section cups such as Smith, II et al. teach instead of just one for added strength.

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11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen, USPN 2,849,745 in view of Belokin, Jr. et al., USPN 5,096,272 in further view of Howard, USPN 6,308,923, in further view of Smith, II et al., USPN 6,016,926, and in even further view of Anderle, USPN 2,890,851.

Madsen, Belokin, Jr. et al., Howard, and Smith, II et al. disclose all elements above, however do not provide alignment indicia.

Anderle discloses an installation and mounting bracket that uses indicia (29) to adjust the mounting locations of the screws in mounting to maintain the correct vertical alignment, as the Applicant's invention also attempts.

It would have been obvious for one of ordinary skill in the art to provide alignment indicia to the device of Madsen, Belokin, Jr. et al., Howard, and Smith II, et al., such as Anderle discloses so that the mounted device is aligned levelly. Further, it would have been obvious for one of ordinary skill in the art to provide such indicia by a horizontal line as an alternate way of presenting the indicia.

### ***Applicant's Arguments***

12. In the response, filed 23 February 2004, the applicant contends that:

A. None of the art discloses or suggests being used in cleaning mini-blinds.

B. The complicated structures of references such as Madsen, Mink, and Malcom are proof of the unobviousness of Applicant's simple system for cleaning mini-blinds.

C. The combination of a mini blind and structural supports is neither anticipated by, nor rendered obvious by the prior art.

### ***Response to Arguments***

13. Applicant's arguments A-C filed 23 February 2004 have been fully considered but they are not persuasive.

A. In response to applicant's argument that none of the supports suggest being used in the cleaning of mini-blinds, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

B. As Applicant states, Madsen, Mink, and Malcom provide structure for the cleaning of mini-blinds. However, Belokin, Jr et al., Walters, Russo et al., Smith, II, et al., and Howard each provide examples of supports, mounts, or holders that have simple assembly/construction and would each be capable of holding a rigid-spine of a mini-blind assembly, and therefore are analogous to the art of Madsen, Mink, and Malcom in that they provide a support means.

C. As stated above, Belokin, Jr et al., Walters, Russo et al., Smith, II, et al., and Howard each provide examples of supports, mounts, or holders that have simple assembly/construction and would each be capable of holding a rigid-spine of a mini-blind assembly; and therefore are analogous to the art of Madsen, Mink, and Malcom in that they provide a support means.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Mondays through Thursdays, and alternating Fridays, from 7:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

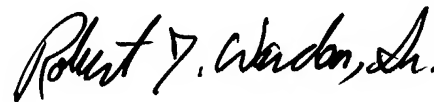
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

  
LCC

05 April 2004



ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700